

*Mr. Bean's letter - v
same subject - att*

April 22, 1955

Honorable Fred Kelley
House of Representatives
Concord, New Hampshire

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CONCORD, N.H.

Dear Mr. Kelley:

You have inquired whether the insertion by the Appropriations Committee into the Fish and Game Department's budget of an item requiring payment from the fish and game fund to reimburse the state treasurer for bounties paid for porcupines and bears, effectuates the intent of the Committee, in light of R. L., c. 240, s. 41, which limits the use of the fish and game fund to certain specified purposes, none of which include, either directly or indirectly, the payment of bounties for dead porcupines and bears.

My reply to your question is in the negative because I believe the intent of the Appropriations Committee is in substance to amend R. L., c. 240, s. 41 to authorize the payment to the state treasurer of these funds. But in this as in many other things there is a way that is lawful and a way that is unlawful, in the sense that the latter course does not adequately explain and set forth by statute the intent of the General Court.

It is entirely clear that the intent of the Committee can be carried out by amendment to section 41, above. In substance, your question is whether the insertion of a line item constitutes such an amendment. In view of the broad prohibition of section 41, I have no hesitation in replying that it is my opinion that it does not constitute such an amendment. To do this there should be added to the budget bill a provision repealing or suspending for two years such part of R.L., c. 240, s. 41 as is inconsistent herewith.

Respectfully,

Louis C. Wyman
Attorney General

W/d